

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CRIMINAL NO. 2:10-cr-20123

v.

HON. VICTORIA A. ROBERTS

D-1 DAVID BRIAN STONE, et al.

Defendants.

_____ /

**MOTION TO STRIKE GOVERNMENT'S
DETENTION HEARING MEMORANDUM
[DE 128]**

At the close of the Defendants' proffers at the hearing on April 28, 2010, the Court offered the government an opportunity to present additional proofs. Other than the witness whose testimony was only partially received, the government produced no other witnesses. Again, after the government argued its case, and all defense counsel had made their arguments, the Court asked the Government if it had any further argument. The government stated that it did not. The Court took the matter under submission and said it would render its decision, "soon."

The government has now apparently had a change heart and has filed an unsolicited post-hearing memorandum. The memorandum addresses no new or unanticipated issues, it merely reargues matters addressed to the Court on April 27, and April 28.

This pleading should be stricken. This matter is closed. The government did not seek the Court's permission to supplement the record or file additional pleadings. The Court heard the argument of counsel on April 28, and took the matter under submission. If the Court allows this pleading, it will then have to allow a response, and delay its decision. Just as the Court disallowed government proofs because to allow them would inhibit the "prompt review" mandate of 18 USC 3145(b), it should strike the government "Detention Hearing Memorandum."

Respectfully submitted,

/s William W. Swor
William W. Swor (P21215)
Attorney for David Brian Stone
3060 Penobscot Building
645 Griswold Street
Detroit, Michigan 48226
(313) 967-0200
wwswor@wwnet.net

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